

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN N. BUKUVALAS, individually and:
on behalf of all others similarly situated, :

Plaintiff, :

v. :

CIGNA CORPORATION and its wholly :
owned subsidiary LIFE INSURANCE :
COMPANY OF NORTH AMERICA; :
SCHERING-PLOUGH CORPORATION; :
UNUM GROUP, a corporation; and :
JOHN DOE INSURANCE COMPANIES :
1-50, :

Defendants.

Hon. Dennis M. Cavanaugh

ORDER

Civ. No. 10-0710 (DMC) (JAD)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon the motions of Unum Group (“Unum”), CIGNA Corporation (“CIGNA”), Life Insurance Company of North America (“LINA”), and Schering-Plough Corporation (“Schering-Plough”) (collectively “the Defendants”) to dismiss the Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Unum and CIGNA also move to dismiss pursuant to Rules 12(b)(1) and 12(b)(2), respectively. Plaintiff John N. Bukuvalas (“Plaintiff”) has filed a cross-motion for leave to amend the Amended Complaint. The Court having considered the papers submitted herein, this matter being decided under Rule 78 and for the reasons stated in this Court’s Opinion filed this day;

IT IS on this 3rd day of December, 2010;

ORDERED that Unum's motion to dismiss pursuant to Rule 12(b)(1) is **GRANTED** with prejudice;

ORDERED that CIGNA's motion to dismiss for lack of personal jurisdiction pursuant to Rule 12(b)(2) is **GRANTED** with prejudice;

ORDERED that Defendants' motion to dismiss pursuant to Rule 12(b)(6) is **GRANTED** with prejudice;

ORDERED that Plaintiff's cross-motion for leave to amend is granted only as to the Third Count in the proposed Second Amended Complaint. Plaintiff must resubmit a Second Amended Complaint that is consistent with the Court's Order and Opinion.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Original: Clerk's Office
cc: Hon. Joseph A. Dickson, U.S.M.J.
All Counsel of Record